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*Attorneys for United Cook Inlet Drift Association and
Cook Inlet Fishermen's Fund*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED COOK INLET DRIFT
ASSOCIATION and COOK INLET
FISHERMEN'S FUND,

Plaintiffs,

v.

NATIONAL MARINE FISHERIES
SERVICE ET AL.,

Defendants.

Civil Action No.: 3:21-cv-00255-JMK

**CONDITIONAL NON-OPPOSITION
TO MOTION TO INTERVENE**

Plaintiffs United Cook Inlet Drifters Association and Cook Inlet Fishermen's Fund (collectively "UCIDA") file a conditional non-opposition to the State of Alaska's ("State") Motion to Intervene ("Motion").¹ The State represents that "Alaska intends to fully comply with all schedules and deadlines established by this Court" and that "Alaska's intervention will not cause undue delay or adversely impact any parties' rights

¹ See ECF 13.

in this action.”² UCIDA conditions its non-opposition on these representations. UCIDA does not oppose intervention by the State provided that the State complies with the expedited briefing schedule requested by UCIDA. Otherwise, prejudice will result from the State’s intervention given UCIDA’s urgent need to resolve this case.

In prior litigation regarding the management of the Cook Inlet salmon fishery,³ the State—intervening as a defendant in that case—alone sought rehearing of the Ninth Circuit’s decision⁴ and alone petitioned for a writ of certiorari with the Supreme Court,⁵ both of which were rejected, but caused delay. UCIDA asks that this Court order the State to comply with all deadlines requested by UCIDA and to take all measures to avoid delaying these proceedings.⁶

DATED this 30th day of December 2021.

/s/ Jason T. Morgan

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² ECF 13 at 5.

³ See *United Cook Inlet Drift Ass’n v. Nat’l Marine Fisheries Serv.*, 837 F.3d 1055, 1057 (9th Cir. 2016).

⁴ See No. 14-35928, Dkt. 61-1, filed Nov. 4, 2016, Petition for Panel Rehearing of Appellee State of Alaska.

⁵ See No. 16-1044, Dkt. 1, filed Feb. 27, 2017, State of Alaska’s Petition for Writ of Certiorari.

⁶ See 16 U.S.C. § 1855(f)(4) (requiring proceedings under the Magnuson-Stevens Act to be expedited in *every possible way*).

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2021, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court, District of Alaska by using the CM/ECF system, which will send notice to all counsel of record in this case.

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United Cook Inlet Drift Association et al. v. NMFS et al., 3:21-cv-00255-JMK